

2010 the Office issued a Notice of Acceptance of Power Attorney in response to Applicant filing a Revocation of Power of Attorney with a New Power of Attorney on July 20, 2010.

REQUEST FOR RECONSIDERATION OF DECISION TO ISSUE FINAL ACTION

Under MPEP 706.07(d) the Applicant respectfully requests the Office reconsiders its decision to issue a Final Office Action in this matter on May 11, 2010. Applicant respectfully acknowledges the Office's right to issue a Final Rejection on a First Action under MPEP 706.07(b), but respectfully requests reconsideration of the decision to issue a Final Action under MPEP 706.07(b) due to the fiber cement composition being claimed for the first time in Claims 94 to 106 inclusive, in particular the composition of cellulose fibers, i.e. "fiber cement containing in the range of from about 5 to 80% by volume of cement, from about 10 to about 80% by volume silica, and from about 4 to about 15% cellulose fibers", and the decision of Applicant to appoint new counsel in this case on July 29, 2010.

REMARKS/ARGUMENTS

The Applicant respectfully submits the attached amendments to claims 94 to 106 inclusive and respectfully submits that the rejections to claims 94 to 106 inclusive are now traversed and should be allowed accordingly.

It is the Applicant's position that claims 94 to 106 as amended now traverse the prior 35 USC § 103(a) rejection of being unpatentable over Caceres et al in view of Gleeson et al and Newberry, Jr .

The Applicant respectfully notes that both Caceres et al and Newberry, Jr. are fibreglass-based inventions, i.e. polyurethane reinforced fibreglass mesh products. Moreover both Caceres et al and Newberry, Jr. provide no teaching of how to form an elongated member for fiber cement made by dewatering and curing fiber cement slurry ([0076] of the specification), as both Caceres et al and Newberry, Jr. teach using the fibreglass mesh as the method of forming a "uniform repeating pattern provided on each of the front surface and the back surface". For example, Caceres et al at Col. 3, lines 29-31 teaches using "[a] layer of resin impregnated *reinforcing fiber mesh* is placed on each *outwardly opposing face* 20 and drawn through a shaping die". Newberry, Jr . at Col 3, 22-44

describes the production of a replica panel using a layer of fibreglass mat saturated with conventional polyurethane resin.

Further, even though the composition of the fiber cement as claimed may be disclosed in Gleeson, Gleeson provides no teaching as to how to form an elongated member for fiber cement made by dewatering and curing fiber cement slurry.

Further, the claims as amended pertain to predominantly individualized cellulose fibers as described in [0044] of the specification in clear distinction of non-individualized fibers that provide the basis of fiber mesh used in fibreglass reinforced products as in Caceres et al and Newberry, Jr.